

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Flexibility for Delivery of Communications by	)	IB Docket No. 01-185
Mobile Satellite Service Providers in the 2 GHz	)	
Band, the L-Band, and the 1.6/2.4 GHz Bands;	)	
	)	
Review of the Spectrum Sharing Plan Among	)	IB Docket No. 02-364
Non-Geostationary Satellite Orbit Mobile Satellite	)	
Service Systems in the 1.6/2.4 GHz Bands	)	

To: Chief, International Bureau

**OPPOSITION TO REQUEST FOR EXTENSION OF TIME**

Iridium Satellite LLC (“Iridium”), by its attorneys, hereby respectfully opposes the Request for Extension of Time filed by Globalstar, L.P. (“Globalstar”) on June 30, 2003,<sup>1</sup> seeking a two-month extension of the dates for filing comments and reply comments in response to the Notice of Proposed Rulemaking (“NPRM”) in IB Docket No. 02-364.<sup>2</sup> Globalstar’s last-minute request is nothing more than a blatant attempt to further delay the rebalancing of an outdated band plan currently tilted in Globalstar’s favor. Moreover, it totally ignores and runs completely counter to Commission’s decision to administer this proceeding on an expedited basis. Accordingly, the FCC must reject Globalstar’s request and allow this proceeding to move forward in the expeditious fashion the Commission intended.

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<sup>1</sup> See In re Flexibility for Delivery of Communications By Mobile Satellite Service Providers in The 2 GHz Band, the L-Band and the 1.6/2.4 GHz Bands, *Request for Extension of Time by Globalstar, L.P.*, (June 30, 2003) (“*Globalstar Request*”).

<sup>2</sup> See Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands, *Report and Order and Notice of Proposed Rulemaking*, FCC 03-15 (rel. Feb. 10, 2003) (“*NPRM*”).

**I. GLOBALSTAR’S PROPOSED DELAY IS AN ELEVENTH HOUR ATTEMPT TO STALL A PROCEEDING THE COMMISSION INTENDED AND STRUCTURED TO BE “EXPEDITIOUSLY” RESOLVED**

Extending the comment deadline would directly contravene the Commission’s express intention to “proceed expeditiously” in this rulemaking proceeding. The *NPRM* was released on February 10, 2003. In the *NPRM*, the Commission clearly stated its intent regarding the need to rebalance the Big LEO bands, tentatively concluding that:

[A] rebalancing of the Big LEO band will serve the public interest and [we] intend to proceed expeditiously on considering the appropriate amount of spectrum that each Big LEO MSS licensee should receive.<sup>3</sup>

In addition, the Commission deliberately set an accelerated comment cycle to speed the proceeding to its conclusion:

[W]e will shorten the normal comment cycle for this Notice to expedite the decision-making process. ... We are taking this action to ensure that we will be in a position to act swiftly on Iridium’s petition and resolve the Big LEO spectrum sharing plan issues.<sup>4</sup>

Under these circumstances, any extension of the comment cycle—never mind two months or more—would represent a clear reversal of the Commission’s preference to decide this proceeding quickly.

The timing of Globalstar’s eleventh hour request also is dubious. Globalstar has known of the *NPRM* and the need to prepare responsive comments since February 10. Globalstar’s purported grounds for extending the date for comments—the Commission’s pending review of the International Bureau’s revocation of Globalstar’s 2 GHz MSS licenses and Globalstar’s applications to transfer or assign various assets and FCC licenses to ICO—were well known to

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<sup>3</sup> *NPRM* ¶ 266.

<sup>4</sup> *Id.*

Globalstar more than two months prior to this request, allowing ample time for Globalstar to address them in its comments. Moreover, the request, which, as shown below, is devoid of any valid public interest justifications or reasoning, can only be interpreted as a thinly veiled effort to delay the necessary adjustment of the Big LEO band.

**II. GLOBALSTAR’S GROUNDS FOR EXTENSION ARE UNRELATED TO THE INSTANT PROCEEDING AND INTENDED TO FURTHER GLOBALSTAR’S BUSINESS DECISIONS AT THE EXPENSE OF THE PUBLIC INTEREST**

Globalstar’s reasons for postponing the comment deadlines are a clearly calculated and transparent attempt to accomplish further, indefinite delay in this proceeding. The subject matter of the *NPRM* is to revisit a Big LEO band plan that is recognized as out of date. This is an issue that is not affected by Globalstar’s grounds for extension—its pending appeal of an adverse decision in the 2 GHz band and ownership structure changes that may or may not happen over time. Moreover, both of these cited reasons are the direct result of business decisions wholly within Globalstar’s control. Thus, grant of the requested extension would only serve Globalstar’s own private interest at the expense of the public interest.

Globalstar first asserts that the Commission should delay “taking comments” in this proceeding pending a final determination on Globalstar’s pending Request for Review and Request for Stay of the International Bureau’s revocation of its 2 GHz MSS license.<sup>5</sup> Yet it is by no means certain that the Commission will finally resolve this matter within the additional two months Globalstar currently requests; thus it is likely Globalstar will seek further extensions. Globalstar’s basis for delay, moreover, is based on the faulty assumption that the Commission initiated this rulemaking unaware that Globalstar could lose or acquire access to other spectrum

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<sup>5</sup> *Globalstar Request* at 2.

before completion of the Big LEO band rebalancing. To the contrary, it is quite common for the International Bureau to proceed with licensing decisions during a rulemaking proceeding.

Similarly, Globalstar asserts that the Commission should refrain from accepting comments in this docket until it finally resolves applications related to a pending investment transaction by which ICO Global Communications will gain control of various Globalstar assets, including its Big LEO MSS license—again matters that may not be finally resolved within the extension period Globalstar now seeks.<sup>6</sup> This pending application as well provides no justification to delay the instant proceeding. Both Globalstar and ICO have known about Iridium’s request for reassignment of Big LEO spectrum since at least July 26, 2002, when Iridium submitted its Petition for Rulemaking.<sup>7</sup> Moreover, Globalstar did not file its application for assignment and transfer of control of its licenses until May 27, 2003,<sup>8</sup> three and a half months after the FCC released the *NPRM* in this proceeding. Globalstar cannot now argue that its transfer application should take precedence over the 1.6 GHz rebanding proceeding. In addition, as with Globalstar’s Request for Review of its 2 GHz MSS licenses, the Commission is capable of considering information in other proceedings (*i.e.*, the public interest arguments made in support of Globalstar’s transfer of its Big LEO license to ICO) in order to reach a comprehensive decision.

Finally, each of the cited reasons for delay are circumstances wholly-within Globalstar’s control that stem from its own business decisions. The pending request for review and stay of the International Bureau’s decision to declare Globalstar’s 2GHz licensee null and void is a

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<sup>6</sup> *Id.* at 2-3.

<sup>7</sup> Petition for Rulemaking (filed July 26, 2002).

<sup>8</sup> See Public Notice, “New Globalstar Corporation Seeks Consent to Assignment and Transfer of Control of Licenses and Authorizations Held By Globalstar, L.P. Subsidiaries and Affiliate,” DA 03-1932 (rel. June 12, 2003).

direct result of Globalstar's decision not to contract for construction of its licensed constellation. Similarly, Globalstar's decision to file applications to transfer or assign control of its FCC licenses and applications stems from its business decision to enter bankruptcy and seek new investment. Accordingly, the FCC should not permit Globalstar to delay a rulemaking proceeding that was intended to be conducted expeditiously and designed to serve the public interest in order to further Globalstar's interest in delaying an equitable rebalancing of the Big LEO band.

### **III. CONCLUSION**

For the forgoing reasons, the Commission should reject Globalstar's request for an extension of time and proceed in the expeditious manner the Commission originally designated for this proceeding.

Respectfully submitted,

**IRIDIUM SATELLITE LLC**

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July 2, 2003

## **CERTIFICATE OF SERVICE**

I, Joseph M. Ward, hereby certify that a true and correct copy of the preceding was served, this day, July 2, 2003 via first class mail, postage pre-paid and email, upon the following party:

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